

ELECTION PRACTICES AT ROME 133-44 B. C.

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OUTLINE.

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Introduction.

It shall be my purpose in this thesis to discuss several of the various election practices prevailing at Rome during the period which began with Ti. Gracchus's entrance into politics in 133 B.C. and closed with the murder of Julius Caesar in 44 B.C.

I have chosen this period because few references to election practices at Rome before the year 133 B.C. can be found. Various Roman historians have left us accounts of laws forbidding certain election practices, which were passed before the time of Ti. Gracchus. However, from these we can merely conjecture what the practices were and to what extent they were prevalent. Moreover it was between the years 133-44 B.C. that we find the greatest political activity in Rome.

My material has been collected from the following authors:

Cicero--the entire correspondence and the following of his orations,--Pro Plancio, Pro Murena, Pro Milone, Pro Scauro, Pro Sulla, Pro Sestio, Pro Rabirio, In Toga Candida, In Vatinius, and the letter of Q. Cicero--De Petitione Consulatus; Dio Cassius, Livy and Appian- Bellum Civile.

Discussion.

The Roman people expected their candidates to give evidence of certain qualities and of fitness for office much as the people of the present day expect these same things of their candidates.

First of all the ideal Roman candidate must give evidence of integrity and general strength of character. Especially was this true of the candidates for the consulship. It is true that corrupt individuals often gained the office of consul by resorting to various practices which will be discussed later. Yet for the most part only men of great integrity and honesty dared stand for this office. The rank of a candidate was often a great aid to him in his canvass, but a man of high rank with a defective character was often rejected for a man of lower rank with good character or occasionally for a "novus homo." Q. Cicero in the *De Petitione Consulatus* encourages M. Cicero, a "novus homo" with these words, "It is also a great set-off to your "newness" that the nobles who are your competitors are of such a kind that no one can venture to say that their nobility ought to stand them in greater stead than your high character. For instance who could think of P. Galba and L. Cassius, tho' by birth of the highest rank,

as candidates for the consulship? You see therefore that there are men of the noblest families who from defect of character are not your equals. But you will say Catiline and Antonius are formidable. Rather I should say that a man of energy, industry, unimpeachable character, great eloquence, and high popularity with those who are the ultimate judges, should wish for such rivals, both from their boyhood stained with blood and lust, both of ruined fortunes." (De Petitione Consulatus II).

Cicero realized all this for he himself said a man ought to rely on his dignity of birth, of integrity and of industry when he offers himself as a candidate for the consulship. (Pro Murena VII).

A candidate was not required to be a master of any particular art or science or to be a fluent speaker--but he must have integrity. This does not mean that the Romans scorned business ability or eloquence--far from that these two qualities were often a candidate's best assets. All other things being equal, the man with these qualities was chosen. Cicero (Pro Murena XI) says that the power of eloquence was of great value and was often of influence in the election of a candidate. "For the newness of your name you will best compensate by the brilliancy of your oratory. That has ever carried with it great

political distinction. A man who is held worthy of defending consulars can not be thought unworthy of the consulship."

(De Petitione Consulatus I).

No matter how worthy a candidate might be, if he did not go about earnestly canvassing for the votes of the people, he never won election to any office. It was not enough for him to announce his candidacy and then calmly await the day of election. The candidate announced his candidacy a year before the election was to be held and all that year he was busy working for election. There were certain things which every candidate was expected to do. To neglect them meant disaster.

In the time of Cicero it had become the custom for all candidates to go to the houses of almost all the citizens and from their countenances the voters formed an opinion as to the spirits of the candidates and what hope of success each had.

(Pro Murena XXI).

The citizens evidently were influenced by the attitude the candidate took toward his candidacy. Often their judgment gave way before the candidate's earnestness; any past kindness of the candidate toward any of the voters was always remembered during the canvass and at election time. If the recipients of these favors failed to recall them, the candidate did not.

Q. Cicero urged his brother to especially canvass votes from those whom he had defended in the last few years before his

candidacy for the consulship. "And speaking generally, since your candidate is most strongly supported by that class of friendships which you have gained as a counsel for the defense, take care that to all those whom you have placed under obligation to you, their duty should in every case be clearly defined and set forth. And as you have never been importunate with them so be careful that they understand that you have reserved for this occasion all that you consider them to owe you." (De Petitione Consulatatus V).

Cicero himself says that the citizens were often led to vote not because of the merit of the candidate but because of their obligations to the candidate. "At all comitia and especially those held for the election of aediles, it is the party spirit of the people and not their deliberate judgment which bears sway; their votes are coaxed out of them, not extorted by merit, the voters are more apt to consider what obligation they themselves are under to each individual than what benefits the republic has received at his hands." (Pro Plancio IV).

The ability to flatter the voters was a very necessary quality of the candidate. One form which the flattery of a Roman candidate took was to assume great friendliness toward every one. The candidate also made an

attempt to call every one by his name and speak to them as tho' he were personally acquainted with them. This does not mean that the candidates actually knew the names of all whom they met. They were always accompanied on their canvass by a "nomenclator," --one of their slaves whose sole duty was to learn the names of every one and to be able to recognize them and to tell their names to the candidate." (Pro Murena XXXVI).

Another form of winning the people was by giving banquets. The candidate was not only expected to attend these but he was expected to have his own friends attend. These banquets were given sometimes for all the people or were given to certain tribes. This practice was expected of the candidate and was not considered illegal--as were certain of the practices which will be taken up later.

The candidate was expected also to give assistance to any who might desire it. This was an exceedingly difficult thing to do for the candidate could not afford to take up any case which would do him harm in his canvass for election. Cicero speaks of a case which he was asked to take when he was a candidate for the consulship. He had to refuse it because Satyrus, against whom he would appear, was very influential and was greatly attached to him. Satyrus had been of great service to both Cicero and his brother Q. Cicero,

at previous elections. Cicero's success of election depended to a great extent upon this man and his good friend Domitius. (Att. I, 1).

The practices of giving banquets, rendering assistance, and being within reach of all, came under the general head of "liberalitas." Of this Q. Cicero said, "It (liberalitas) may again be displayed in giving practical assistance, which I would have you render available far and wide; and be careful therein to be accessible to all by day and night, and not only by the doors of your house, but by your face and countenance, which is the door of the mind.

-----It is an easy rule to make that you should indicate that whatever you are going to do, you will do with heartiness and pleasure; it is somewhat more difficult and rather a concession to the necessities of the moment than to your inclination, that when you cannot do a thing you should either promise or put your refusal pleasantly; the latter is the conduct of a good man, the former of a good candidate. For when a request is made which we cannot grant with honor or without loss to ourselves--for instance, if a man were to ask us to appear in a suit against a friend, a refusal must be given in a gentlemanly way; you must show that you are exceedingly sorry, must convince him that you will make up for it in other ways." (De Petitione Consulatus XI).

It was not expected that a candidate should look for material for a prosecution against his competitors or any one else. His whole attention was to be given to his canvass if he expected to win. Cicero says, "At the less important comitia, honors are gained by the diligence and influence of the candidates, and not by those high qualities which we see in you--Laterensis." (Pro Plancio III.).

In 64 when Laterensis and Plancius were candidates for the aedileship, the former early in his canvass began to pay more attention to gathering material for a prosecution against Plancius than he did to his own canvass. This appears to have lost him the confidence of a great many people. The Romans expected a candidate to conduct his canvass diligently and generally were influenced by the keenness of his canvass. "In the comitia the people does not invariably act in obedience to its judgment but it is usually influenced by interest or it yields to entreaties and it elects those by whom it has been canvassed with the greatest assiduity." (Pro Plancio IV.).

The Romans assumed that a candidate had given up all hope of election when he began to turn his attention to provocations. When he no longer went about with a confident and hopeful air,--when he devoted more of his attention to the

methods of his competitor's canvass than he did to his own-- then his adherents quickly deserted him.

It was during his canvass for office that the candidate learned the value of friends. Then he found how many true friends he had and to what extent they were willing to help him. If he could not rely on his friends for support, his canvass for office was useless.

The candidate was expected to form a large number of new friendships. If he failed to make any, or at least to make an effort to form a number of strong friendships, he was considered worthless as a candidate. During a canvass the word "friends" had a wider application than usual. Anyone who showed the slightest inclination toward friendliness for the candidate was encouraged--efforts were made by the candidate to keep him as a friend. Those who habitually visited at the house of the candidate were likewise looked upon as friends.

Friends of every class were to be secured. First--those for show--that is prominent men who might not give any actual assistance but might by their apparent friendship with the candidate attract a large number of voters. Second--magistrates who by their positions could maintain the candidate's rights--the consuls were considered first in importance and then the tribunes.

To have won the support of these two magistracies meant much for the candidate. By reason of their great power they could withhold, or remove any one's name from the list of candidates.

Livy (Bk. LXXXIX) tells us that Lucretius Ofella was put to death in the Forum by Sulla's command because he had declared himself a candidate for the consulship without having previously obtained Sulla's permission. This is of course an extreme case since Sulla was dictator at the time, and exercised supreme control in the state. But there are instances given where the regular magistrates were able to prevent the election of certain candidates.

Pompey while consul with Crassus in 55, was holding an assembly for the election of praetors. Cato who was one of his political opponents, offered himself as a candidate. When Pompey saw that the assembly was unanimous for Cato, he announced that he heard a clap of thunder. This was of course an ill omen. Thus Pompey secured an adjournment of the assembly and succeeded in preventing Cato's election to office. (Plut.--Pomp. 52; Cato Min. 42.).

Another instance which shows the necessity of having the consul for a friend, or at least not an open enemy, is the case of Antony and Dolabella. Antony who was both augur and

consul in 49 was presiding over the electoral assembly. He allowed the voting to continue until a majority was nearly reached for Dolabella. Then by making use of the augural formula, he adjourned the meeting. There was nothing illegal about this proceeding, but Antony for a long time before the election had declared that by augury he would prevent Dolabella's election. (Phil. II, 33).

In the year 57 when Clodius was a candidate for the aedileship, Milo who was tribune, had declared that he would take the auspices on all comitial days. Then by announcing unfavorable omens he prevented the elections being held. Milo even went to Campus Martius with an armed mob before midnight of the day preceding the election and remained there until after midday the next day. It was then too late to hold the elections because the electoral assembly usually met at sunrise and could not convene after midday. Hence Milo's action in remaining in the Campus with his armed mob until after midday. (Att IV, 3).

The third class of friends to be won were those who held control of the votes of tribes or centuries, or had hope of winning these votes. These friends were of the highest importance. The candidate needed someone on whom he could rely

to gain him large numbers of votes. It was usual for friends of the candidate to canvass in their own tribes for votes; they also canvassed votes from the members of their own class, and in other tribes where they had warm and influential friends. (Pro Plancio XIX).

In 64 when Plancius was candidate for aedileship, his father, a farmer of the revenues, was of great service to him in winning the support of the revenue farmers. This meant much for Plancius for the revenue farmers seem to have been of great assistance to candidates. In the first place they were always men of prominence and were especially influential among the "equites" from which class they were chosen. Then too in collecting the revenues, they employed a large number of men and the revenue farmers could control the votes of all whom they employed. Cicero says, "I will even add, if you like, that which you consider is even an objection to him, that his father is a farmer of the revenues. And who is there who does not know what a great assistance that body of men is to anyone in seeking for an honor?" (Pro Plancio IX).

Friends of the candidate tried to win the votes of those of their friends who were not friends of the candidate. Cicero in a letter to Atticus urges him to help him in this way in his canvass for the consulship. "Your early return is of great importance to me, for there is a very strong idea

prevailing that some intimate friends of yours, persons of high rank, will be opposed to my election. To win me their favor, I see that I shall want you very much. Wherefore be sure to be in Rome in January as you have agreed to be. (Att. I, 2).

In addition to his friends, a candidate depended largely upon his attendants. His strength as a candidate was judged by his throng of attendants--the idea being presumably that the greater the crowd in attendance upon a candidate, the greater his popularity.

There were three classes of attendants also. One was the morning callers who went to the candidate's house; another--those who escorted him to the Forum; the last--those who attended him in his canvass.

The first class was less select than the others and therefore greater in number. The candidate made an especial effort to make this class feel that he valued their attention very highly. He likewise gave the second class the impression that their escort was a great help to him in his canvass. The third class was of course of greater value than either of the others. The candidate persuaded them that he was under a great obligation to them for their aid in his canvass. This class was generally made up of those whom the candidate had

helped in some way. In Cicero's case these attendants were those whom he had defended. This was the class whom his brother urged him to try to attach to himself.

(De Petitione Consulatus V).

The attendants were supposed to attach themselves to the candidate of their own accord. This was of course legal and considered a proper election practice. But candidates often became so eager for a large throng of attendants that they hired men to go about with them, or hired men to go out from Rome to meet them as they were returning from their provinces for the elections. This was an illegal practice. The Fabian law passed in 66 sought to regulate the number of men who could legally form this voluntary escort. Just what this number was is not given by Cicero who seems to be the only author who mentions it. (Pro Murena XXXII; XXXIII;XXXIV).

From this it is easy to see how the fact that a candidate was apparently in high favor, influenced the Romans. They seem to have considered a throng of attendants evidence of the candidate's fitness for office.

This act of attendance on a candidate was a source of great pleasure to the common people. It was their only means of doing the candidate a favor. They realized that they had no great influence alone; they could not offer to a

candidate the vote of a century or tribe, but they could by their constant attendance show others how popular the candidate was.

During his canvass for office the candidate made an especial effort to form friendships with men of great political influence. These men did not of course attend the candidate but since each great political man of the day had his own crowd of attendants and friends it was worth while for the candidate to court his favor. These men were not necessarily men who held office, yet they controlled a large number of votes. Quite often they were generals or men of great wealth. To fail to win the support of these men was disastrous for the candidate. Cicero when candidate for the consulship made a great effort to win Pompey's favor. He wrote to Atticus, "You must undertake to secure for me the "entourage" of our friend Pompey since you are nearer than I." (Att. I,1).

Of course the fact that men of prominence were in favor of a candidate influenced the votes of others. "We must also take care that every one knows that Gn. Pompeius is strongly in your favor and that it emphatically suits his purpose that you should win your election!" (De Petitione Consulatus XIII).

Caesar upon his return from Spain in 60 began to canvass for the office of consul and earnestly courted the favor of both Pompey and Crassus. At this time, these two men were at enmity with each other, but Caesar was so skillful that he won them both, and their political clubs as well, to his side. (Dio Cassius XXXVII, 54).

Candidates often combined forces and tried to overcome the force of competition. When candidates united forces in this way they promised one another a favorable vote from their followers. The formation of the triumvirate just mentioned is perhaps the best known instance of a coalition of this sort. Then after the conference at Luca in 56, Pompey and Crassus again formed a coalition and secured their re-election as consuls. (Appian Civil Wars II, 3).

C. Plancius who was elected aedile in 64 was charged by Laterensis, one of his competitors, with having entered into a coalition with Plotius, another of the candidates. He said that they had pledged the votes of two different tribes to himself and Pedius at an earlier comitia and then had withdrawn them at the comitia by which they were elected. (Pro Plancio XXII).

By the formation of coalitions candidates often

won election, who might not have been able to, had they stood alone. Frequently a man who had accomplished a great many things, but had not the means to conduct his canvass, would unite with a man of less interest but greater wealth. Thus both would profit by the coalition. Suetonius is authority for the statement that Caesar in 60 formed such a coalition with L. Lucceius, but Lucceius was defeated by Bibulus. (Suet. Caes. XIX).

The elections were supposed to be held in July before the new officials assumed their various duties in either December or January, yet they were often postponed,--sometimes for a few weeks or months and occasionally for a year or more.

Elections could be postponed for any one of several reasons. Unfavorable omens was the most frequent cause for postponement. In 84 after Cinna the consul had been killed, the tribunes urged Carbo to come back to the city and hold an election for the choice of a colleague. But Carbo did not return until they threatened to reduce him to the rank of a private citizen. The elections were postponed on account of unfavorable omens, to another day. Lightning struck two temples on that day so the augurs prorogued the comitia beyond

the summer solstice and Carbo continued to be sole consul. (Appian Civil Wars I, 9). In this case there seems to have been real evidence of unfavorable omens but elections were often postponed at the will of those holding them, on the plea of unfavorable omens. Several instances of this have already been given.

In 67 when Cicero was candidate for the praetorship, the elections were twice postponed. Dio Cassius (XXXVI 38 & 39) says that the senate in this year was trying to hinder the legislation of the tribune Q. Calpurnius against bribery. The comitia were announced and then postponed from time to time; no laws could be enacted until after they were held. It was at this time that Cicero wrote to Atticus, "Let me tell you that there is no class of people at Rome so harassed by every kind of unreasonable difficulty as candidates for office, and that no one knows when the elections will be." (Att. I, 1).

Often tribunes, consuls, and the candidates for office succeeded in having the elections postponed. In the case of the tribunes and consuls, the purpose was to keep persons whom they disliked from being elected to office. The candidates' purpose was to cause their opponents to

become discouraged and withdraw. The candidates themselves could not postpone the elections, but they might persuade friendly magistrates to do so.

Bibulus while consul succeeded in postponing the elections of 59 from July until October in order to prevent the election of Clodius to the tribuneship. (Att. II, 20& 23).

In 53 all the tribunes introduced a number of obstructive pleas, proposing for one thing to appoint military tribunes so that more persons might hold office. When they could find no one who would pay any attention to them, they insisted that Pompey must be chosen dictator. Since Pompey was not at Rome at this time, they secured a long delay. Pompey finally returned to Rome and refused to become dictator. He thereupon had consuls appointed but these, because of the turbulent state of affairs failed to appoint successors. So by the postponment of elections and by the turmoil within the state, at the beginning of the year 52 the Romans were absolutely without government in three branches--consul, praetor and prefect were not chosen. (Dio Cassius XL, 45.).

Because there were no consuls elected for the year 52, Rome was the scene of great strife. Murders were frequent, elections were postponed from one time to another, altho'

there were plenty of eager candidates who freely employed bribery and assassination in order to win election if possible. It was at this time that Milo assassinated Clodius. (Dio Cassius XL, 48).

This use of force to secure election was not at all unusual in the turbulent times of the late republic. In 52 at the time of the occurrence just mentioned, the three candidates for the office of consul, Hypsæus, Scipio and Milo, carried on their strife in such a manner that they came at last to open violence, which caused a general tumult in the city. In order to restore order, Pompey, altho' he was absent from the city, was elected consul for the third time and was to serve as sole consul. (Livy CVII).

No matter how popular the Roman candidate was or how well fitted for office he was, there was always one thing against which he had to contend--the employment of bribery by his opponents. Solicitation of votes and open or secret influence and bribery were among the means by which a candidate secured his election to any office. The reason for resorting to such means was that the rivalry between candidates was keen--first because there was great opportunity offered to officials in the way of influence at Rome; second--the officials also had the chance to acquire great wealth when they went out to

govern a province after their consulship. This was perhaps a greater incentive than the fact that they would be influential at Rome after their term of office. Hence it was necessary for the candidates to make a great effort to secure the votes of the citizens. Bribery came to be the chief means by which this was done.

Bribery by no means developed at Rome only in the period under consideration. On the contrary, practically all of the references we find to election practices before the year 133, are in regard to bribery. A summary of some of the laws of this period will show this.

The first law in regard to election practices of which mention is made is a law passed in the year 432. This law forbade candidates for office to whiten their garments. There is some doubt among historians about such a law having been in existence. If there was such a law, its enforcement cannot have been very strict for the practice of candidates appearing in freshly whitened garments prevailed until the end of the republic. However this change of opinion in regard to the whitening of the toga may have been similar to the change of attitude toward "Ambitus." This expression

originally meant nothing more than the canvassing of a candidate and did not imply anything illegal. But because it became the custom for candidates to attempt to win an election by any means and to purchase votes whenever it was possible, "ambitus" came to mean bribery.

Livy says that this law was passed in the year 432 but he states in a later part of his history that the first lex de ambitu was passed in 358--so the law of 432 may never have been passed. The law of 358--a plebiscite--forbade candidates for office to visit markets and meeting places outside the city for electioneering purposes. The reason for this law as given by Livy was to check the rise of "novi homines," who were accustomed to solicit votes in this manner. This seems a very plausible reason, for after the enactment of this law until the last century of the republic it required a great effort for a "novus homo" to be elected to office. Cicero and Marius are the two famous examples of the few "novi homines" who were successful candidates. Quintus Cicero in De Petitione Consulatus constantly urges his brother to remember that he is a "novus homo" and the city in which he is seeking election is Rome. His attitude shows what a difficult thing it was for a "novus homo" to be elected to office even as late as 64 B.C.

Whatever the reason for the law of 358, it is almost certain that it was never enforced, at least not very rigidly or for a very long period. Like the questionable law of 432 it seems to have carried with it no penalty for its violation.

The next lex de ambitu of which we have any knowledge is the lex Cornelia-Baebia of 181. This law was proposed by the consuls P. Cornelius and M. Baebius Tamphilus. It provided for the prosecution of bribery and disqualified for office for ten years any person found guilty of resorting to bribery or any other illegal means of winning an election. This law was ineffectual and necessitated the passage of another law.

In 159 the consuls Cn. Cornelius Dolabella and M. Fulvius Nobilior proposed a lex de ambitu which forbade the use of bribery and increased the penalty to death. The purpose of both these laws seems to have been to diminish the eagerness for office among the unscrupulous nobles-- and both were ineffectual.

The most important legislation of the next hundred years in regard to elections were the laws of 139, 137 and 131. In 139 the ^{Gabinian} ~~Gabinian~~ law--a plebiscite--was enacted, which provided for the use of secret ballots at elections. This

election reform was made necessary by the fact that the poorer class at Rome, thru' the monopolization of public land by the rich, had fallen into economic helplessness and were forced to depend on the rich.

Rome was not a manufacturing center, so there could be no employment in factories offered to the poor who were driven into Rome from the country districts. It is true that Rome was at this time a great shipping center, but the ship owners manned their ships with slaves and this means of earning money was denied the poor. They could not even find employment on the large estates of the rich, altho' many laws were passed fixing the proportion of slave and free labor on estates. These laws as well as many others, the rich Roman found ways of evading. The poor had to have some means of supporting themselves. All kinds of honest labor were denied them. There seemed to be nothing left for them to do but to become dependents of the rich class. This made it easy to buy their votes and consequently their votes came to be valuable both to themselves and to the politicians.

The Gabinian law was followed in 137 by the lex Cassia which made provision for the use of the secret ballot at all meetings of the comitia as a court--with the exception

of cases of "perduellio." The lex Papiria of 131 made the same provision for the comitia as a legislative body.

This summary gives some idea of the prevalence of bribery and of the efforts made to check it, and also of the futility of the laws against it.

Money was paid out freely for votes. In order to secure secrecy, the candidates employed "interpretes" to arrange with the electors for the purchase of their votes, and "sequestres" to keep the money until time for it to be paid out and "divisores" to distribute it among the electors. Bribes were usually offered to the tribes as a whole and not to the individuals. The custom seems to have been to classify the people and to divide the tribes into decuries. The money was then distributed among them either by the candidates themselves or by agents appointed by them for this purpose. (Pro Plancio XVI & XIX).

The rogatio de ambitu of the tribune C. Cornelius--67--sought to severely punish not only candidates but also their agents--the "divisores." The senate declared that this law was too severe and that neither accusers nor jurors could be found to enforce it; the law was put in the hands of the consuls, C. Calpurnius Piso and M' Acilius Glabrio, to revise

if possible. These consuls were both liable to the existing law on bribery, yet they had to revise the law proposed by Cornelius and present it to the comitia. The Acilian-Calpurnian law passed in this manner inflicted on those found guilty a heavy fine and forever disqualified them from holding office or sitting in the senate. The lex Fabia de numero sectatorum of 66 was a supplement to this law.

Dio Cassius (XXXVI, 40) states that the Romans took such good care about this time not to have any bribery that in addition to punishing those convicted, they furthermore honored the accusers.

Just before this time the names of 64 senators had been removed from the roll and this had increased the number of candidates for office in the years 69-66. With more competition, bribery increased and there was greater extravagance in public games and entertainments. In 68 C. Calpurnius Piso won his election as consul by bribery. He bought off his accusers who threatened a prosecution and actually served as consul in 67. (Dio Cassius XXXVI 38 & 39).

From this year on until the outbreak of the war between Pompey and Caesar, there are numerous references made by Roman writers to the prevalence of bribery and corruption. Every one seems to have gone mad with the idea of holding office

and was willing to sacrifice almost anything to gain their object. The people seemed to have responded readily to all the candidates' proposals to buy their votes, for laws against bribery were proposed and passed but they were of no avail. It was probably such a situation as this that Q. Cicero had in mind when he wrote, "The chief plague spot of our state is that it allows the prospect of a bribe to blind it to virtue and worth." (De Petitione Consulatus XIV).

Coalitions and conspiracies of every kind were formed. Livy (Bk. CI) says that in 66 a conspiracy was formed by those who had been found guilty of bribery in seeking the consulship, to murder the consuls. A very few years later we read of the famous conspiracy of Catiline. Antonius and Catiline in their eagerness to win election to the consulship, practiced such open bribery that the senate found it necessary to pass a new and rigorous law. This law--lex Tullia--increased the penalty on "divisores" and forbade any one within two years preceding the announcement of a candidacy to give gladiatorial shows, except in fulfillment of a testament. The penalty for a convicted candidate was ten years' exile. Catiline rightly thought that this law had been made on his account and planned, by collecting a small band, to slay Cicero and some others of the foremost men, on the day of the election, in order that he might be immediately chosen Consul. (Dio Cassius XXXVII,29).

But this law stringent as it was, did not effectively check bribery or any other of the corrupt election practices. Vatinius when candidate for praetor gave gladiatorial shows for the people in open violation of this law. (In Vatinius XV).

Shortly after this time Aufidius Lurco, a tribune, proposed a law to the effect that promises of money to tribes should not be binding, but that a candidate who actually paid it, should be liable for life to a payment--apparently annual--of 3000 sesterces to the tribe. This failed to become a law. In the same year--61--a decree was passed which declared that all who had bribery agents in their houses should be declared guilty of treason. (Att. I, 16).

The coalition between J. Caesar and L. Lucceius--60--has already been mentioned. Lucceius was a man of great wealth and in entering into the coalition he had promised to give money to the electors in the name of Caesar and himself. The Aristocratic party feared Caesar and was alarmed at the prospect of the election of both Caesar and Lucceius. The aristocrats accordingly advised Bibulus to promise the electors as much money as Caesar and Lucceius did. Most of them even contributed toward the fund Bibulus needed for this purpose. Cato, who was usually radically opposed to such

measures admitted that bribery under such circumstances was for the public good. Bibulus succeeded in defeating but one of the candidates--Lucceius. (Suet. Caes. XIX).

In the year 56 Cicero is known to have defended L. Calpurnius Piso Bestia, a candidate in the preceding election of aediles, on a charge of bribery. (Q. Fr. II, 3).

The year 54 was famous for bribery and corruption in general. Appian (Civil War II, 2) says that in this year the magistrates were chosen by means of money and faction fights, with dishonest zeal and with the aid of stones and even swords. Bribery and corruption prevailed in the most scandalous manner. The people went already bought to the elections. One case was found where a deposit of 800 talents had been made to obtain the consulship. (Q. Fr. II, 14).

Cicero in writing of the increase of bribery says there never was anything equal to it. The rate of interest rose from four per cent to eight per cent because of a compact made between Memmius and the consul, Domitius. Arrangements were made to offer 10,000 sester tia for the vote of the first century. The candidates for the tribuneship made a compact and deposited 500 sester tia apiece with Cato

and agreed to conduct their canvass according to his direction, with the understanding that anyone offending against it was to be condemned by Cato. In regard to this compact Cicero says, "If this election turns out to be pure, Cato will have been of more avail than all the laws and jurors put together." (Q. Fr. II, 14.)

In this same year, a compact was formed between C. Memmius and Domitius Calvinus, candidates for consul, and the consuls of that year. Both candidates were to forfeit to the consuls 40 sestertia apiece (if they should be elected consuls) if they would not produce--first--three augurs to depose that they had been present at the passing of a lex curiata--which had not been passed; second--two consulars to testify that they had helped to draft a decree for furnishing the consular provinces, tho' there had been no meeting of the senate. In return the consuls were to use their influence in gaining votes for these candidates. The announcement of this compact caused much excitement, ruined the reputations of the consuls and lost Memmius, who disclosed it, his election. (Att. IV, 16 & 17).

In another of Cicero's letters, mention is made of M. Sufenas and C. Cato being acquitted of bribery. "From which we have learned that our treble-distilled Areopagites care not

a rush for bribery, elections, interregnum or in fact for the state generally," is Cicero's comment on the situation. (Att. IV, 15).

The case of Scaurus a candidate for the consulship in 54, is rather an interesting one. He had been charged with extortion in Sardinia. The trial had been hastened that he might not use the Sardinian money in bribing for the consulship. He was acquitted, but it was too late for him to win his election. He immediately paid the people, tribe by tribe, at his own house, what they expected. He was more generous than his competitors but they had started to bribe before he had been able to distribute any money and so had an advantage over him. (Att. IV, 16 & 17).

All of the candidates of this year were prosecuted for bribery. Good men would not stand for office and the disorder was such that in 53 Rome was without consuls for eight months.

Just such election practices as these that have been described prevailed until the end of the republic. With the overthrow of Pompey and the Aristocratic party, elections ceased to be so important. Caesar assumed entire control of

the nomination of candidates and consequently elections came to be little more than a matter of voting for whomsoever it might please Caesar to nominate.

Conclusion.

There were two factors in the development of corrupt election practices,--first--the plebeians had become economically dependent upon the rich; second--the magistracies were open to a comparatively small number of people.

The first of these causes was largely the result of a long period of wars which closed in 146 B.C. Rome had been engaged in a long struggle for supremacy with foreign nations. This called the greater part of her plebeian class into service as soldiers. Before this time Rome had been largely an agricultural community. When the plebeians were called to war, it meant that the greater part of the farms were deserted. Because of lack of cultivation for a long period of years, these lands gradually deteriorated in value. Then too during this period the Carthaginian armies,

by their occupation of Italy had done great harm to the farm lands. These two things had a tendency to make the plebeian's land almost worthless to him upon his return from the wars. In fact the plebeian was lucky if he could hold his land at all. It was usually taken for debts contracted while serving in the army.

The wars had also increased slavery. Large numbers of captives were brought to Rome and sold as slaves. This worked a hardship on both the free laborer and the small farmer. The free laborer was paid very little for his services because slave labor was even cheaper. The small farmer soon found it useless to try to compete with the larger landowner whose work was done by slaves. Neither could he profitably compete with the importers of foreign produce.

Everything seemed to be combined against the plebeians-- they were finally forced to desert the country and drift into Rome. Here their number was increased by many who had been unwilling to return to their former occupation after their dismissal from the army. Rome had no employment to offer this great body of people. What few industries there were

at this time, were practically all carried on by slaves of the proprietors. Gradually this body of unemployed people fell into economic dependence upon the rich. Each wealthy man finally had his own small army of retainers. Because they were dependent upon him, he entirely directed their political activities. Whenever opportunity offered, this dependent class was willing to sell its vote and it thus came to be an important political factor.

The fact that the class of people who could hold office was small, was almost as important a factor in the development of this political situation. The offices were held by the same class of people year after year. It was almost an impossibility for any one outside of this class to be elected to office. The right of the "nobilitas" to hold office had become practically hereditary. Probably not more than seven or eight "novi homines" were ever elected to office. Because so few people could hold office, the rivalry between candidates was keen. Candidates were willing to resort to any means in order to win election. Bribery as we have seen, came to be their chief help in securing an office.

Another reason for this keen competition between candidates was the fact that many of them were bankrupt. The offices they sought were not in themselves of financial value to them, but it was usual for the magistrates to spend the year following their year of office, as governors of the provinces. Ex-magistrates who went out to govern provinces almost always returned to Rome as men of wealth. This opportunity to plunder the provinces and amass fortunes was perhaps a greater incentive than any honors they might gain as magistrates. Because such opportunities to amass a fortune quickly were offered, the office-seekers were willing to resort to almost any means to win election. The purchase of votes was the surest method and finally became almost the only method.

This moral degeneracy on the part of both the office-seekers and the great mass of the electors might be said to have been the chief cause for the development of Rome's corrupt election practices.